The application was heard in the Weekly Court at Toronto.
R. L. Defries, for the applicants.
H. J. Scott, K.C., for the beneficiaries under the will.
G. W. Mason, for a half-sister of the deceased.

BOYD, C., in a written opinion, said that the will was made in Ontario in 1880, the testatrix being then a British subject resident in Ontario; at her death, in January, 1915, she was resident in the State of New Jersey. At the time of her death she owned real and personal property both in Ontario and New Jersey.

The beneficiaries under the will named the applicants as administrators, and they applied to the Surrogate Court of the County of York for letters of administration with the will annexed; the grant was opposed by the half-sister of the testatrix, who alleged that the testatrix was, at the time of her death, domiciled in New Jersey, and that all proceedings relating to the administration of her estate should be governed by the laws of her last domicile, and that the will was not properly made or attested according to the laws of Ontario. Upon this contestation, the Surrogate Court Judge found that the will had been duly made and executed according to the law of Ontario; that, at the date of the execution of the will, the testatrix was a British subject within Ontario; and he ruled that the question of her domicile at the date of her death was not a matter that affected the granting of probate in this jurisdiction. That judgment, of the 2nd October, 1915, was not appealed from, was in force, and upon it letters of administration had been granted to the applicants.

The Surrogate Court Judge intimated that, under sec. 20 (3) of the Wills Act, R.S.O. 1914 ch. 120, he had power to grant letters irrespective of the question of domicile, and that was a correct conclusion.

Reference to Flood on Wills (1877), p. 245; Craigie v. Lewin (1843), 3 Curt. Ecc. R. 435; Inperial Act 24 & 25 Vict. ch. 114, secs. 1 and 2;

Neither the English nor the Ontario legislation was intended to displace the general law recognised in all civilised nations—*mobilia sequuntur personam.*

Reference to Freke v. Lord Carbery (1873), L.R. 16 Eq. 461, 466; In re Grassi, [1905] 1 Ch. 584, 592; Ewing v. Orr Ewing (1885), 10 App. Cas. 453, 502; In re Trufort (1887), 36 Ch. D. 600, 610; Enohin v. Wylie (1862), 10 H.L.C. 1, 13; In re Bonnefoi, [1912] P. 233, 237; Dicey on Domicile, 2nd ed. (1908), p. 678.

The letters of administration should, as regards form, be conclusive in the Courts of another jurisdiction; the will might still